

REMARKS

Claims 1, 18-20 and 22-50 are now pending in the application upon admission of new claims 49 and 50. Claims 37-48 are withdrawn. Claims 1, 18-20 and 22-36 have been amended. Claims 2-17 and 21 have been canceled. Support for the claim amendments and new claims may be found in the application as originally filed. No new matter has been entered. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

EXAMINER INTERVIEW

Applicants thank Examiner Stroud for the courtesy extended to Applicants' representative, Brian Hollis, during a telephonic interview conducted on April 9, 2010. During the interview, Applicants' representative and Examiner Stroud discussed the currently pending claims in view of U.S. Pat. No. 6,656,225 (Martin) and U.S. Pat. No. 6,977,000 (Vanasse). Applicants' representative discussed the operation of the first formation 10 and the resilient arm of the second formation 12. More particularly, Applicants' representative discussed the ramping interaction of the ramp surface 26 on the resilient arm 12 and the complementary ramp surface 32 on the first formation. Applicants' representative pointed out that the Martin reference does not disclose such a configuration where complementary ramping surfaces interact, such that one ramp surface can slidably and progressively ramp along the other slide surface until clearing it and dropping into a ridge as disclosed in the instant application. Alternatively, the Martin reference teaches outwardly extending protuberances that are received into a channel formed on a mating

component. While no specific agreement was reached, the Examiner suggested that Applicants more clearly and specifically recite structure and operation of the first and second formations and their respective ramping surfaces in an effort to more clearly define over the cited art. The Examiner further suggested that Applicants amend the preamble to more specifically be directed toward a hip stem.

REJECTION UNDER 35 U.S.C. §102

Claims 1 and 18-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,656,225 (Martin). This rejection is respectfully traversed.

At the outset, Applicants note that claim 1 has been amended to more specifically recite a hip stem instrument. Claim 1 has been amended to recite in part:

A hip stem instrument comprising: a first portion substantially in the form of a stem and a second portion, the first and second portions being releasably connected together by means of cooperating first and second formations, the first formation having a first ramp surface and being attached to the first portion, the second formation comprising a resilient arm, which is continuously and integrally formed with the second portion and has a second ramp surface... wherein the resilient arm moves from a first position when the first and second ramp surfaces initially engage, through a range of second positions corresponding to the second ramp surface slidably and progressively ramping along the first ramp surface, to a third position wherein the second ramp surface clears the first ramp surface and drops into a ridge provided on the first formation, such that the first formation is received and firmly connected between the resilient arm and the other fork of the bifurcated part of the second portion.

Applicants submit that Martin fails to teach such a configuration. Martin discloses a stem component 10 having an anchoring portion 12 that includes a mounting portion 14 configured in a dovetail-type shape. The mounting portion 14 is slidably received into a groove 26 formed on a body 22 of an inner core 20. Protuberances 24a and 24b are

provided on the inner core 20 that compress while being slidably received into the groove 26 (see column 6, lines 63-65). Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection as it pertains to claim 1.

Applicants also note that claim 18 has been similarly amended to recite in part:

wherein the second formation includes a resilient arm which is continuously and integrally formed with the second portion and offset from a body portion of the second portion...wherein the resilient arm moves from a first position when the first and second sloping leading surfaces initially engage through a range of second positions corresponding to the second sloping leading surface slidably and progressively ramping along the first sloping leading surface, to a third position wherein the second sloping leading surface clears the first sloping leading surface and drops into the ridge provided on the first formation, such that the first formation is received and firmly connected between the resilient arm and the other fork of the bifurcated part of the second portion in the connected position.

Further to the above discussion, Applicants submit that Martin fails to disclose such a configuration. Applicants therefore, respectfully request reconsideration and withdrawal of this rejection as it pertains to claim 18 and dependent claims therefrom.

NEW CLAIMS 49 AND 50

Applicants have submitted new claims 49 and 50 for substantive examination. Support for these claims may be found in the application and drawings as originally filed, such as in at least Figs. 1 and 2 and paragraph [0032]. Applicants submit that claims 49 and 50 include additional novel subject matter not taught or rendered obvious by the art of record.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: 5 May 10

Respectfully submitted,

By 
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